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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,000	12/21/2001	Hiroyuki Suzuki	032360-014	8179
7590 06/04/2010				
Platon N. Mandros				
BURNS, DOANE, SWECKER & MATHIS, L.L.P.				
P.O. Box 1404				
Alexandria, VA 22313-1404				
EXAMINER				
THOMPSON, JAMES A				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
06/04/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/024,000

Applicant(s)

SUZUKI, HIROYUKI

Examiner

James A. Thompson

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/James A. Thompson/
Primary Examiner, Art Unit 2625

Continuation of 3. NOTE: Applicant's proposed amendments to the claims substantively alter the scope of the claims. Thus, further search and consideration would be required. Therefore, the proposed amendments to the claims are not entered.

Continuation of 11. does NOT place the application in condition for allowance because: Examiner agrees that the previously cited prior art does not teach the proposed amendments to the claims. However, the proposed amendments to the claims substantively alter the scope of the claims, thus requiring further search and consideration. Therefore, the proposed amendments to the claims have not been entered. Furthermore, the proposed language is not clear. The proposed language recites that the target pixel is a character region in a halftone dot, rather than a halftone dot image as presently recited. Examiner is not sure how a character region could be in a halftone dot since a halftone dot would define at most a single pixel, rather than an entire region. Thus, the proposed language would neither be enabled by the specification, nor would the proposed language particularly point out and distinctly claim the subject matter Applicant regards as the invention.

Applicant argues that the screen dot area in Kim (US-5,754,684) corresponds to a halftone dot image, rather than the entire image since the image contains both screen dot areas and text areas.

Examiner replies that even though there are text regions, the entire image is a halftone image. The text areas are the areas in which the pixels are rendered as one of two values, and are thus specially detected by the system described in Kim. The entire image, however, is a halftone image. It is simply the case that only two of the possible available values are used in regions with text. The image is not shown to be specially printed by regions based on image characteristics, but rather is a commonly printed image with different characteristics in different regions. In other words, the analyzed image is not first printed using halftone printing for halftone regions and then printed using binary printing for binary (text) regions.

Applicant argues that Kim does not discriminate a character region in a halftone dot image, but rather distinguishes between text regions and screen regions.

Examiner argues that, as discussed above, the entire image can be considered a halftone image, even though there are regions of text. Thus, the discriminated text and screen regions are regions in a halftone image. Further, even if arguing Applicant's reasoning were to be considered binding, then Applicant's own invention does not discriminate a character region in a halftone dot image. Using Applicant's rationale, the existence of a character region in the image analyzed by Applicant's invention would necessitate the conclusion that the image is also not a halftone image. Applicant cannot have it both ways. If Applicant's analyzed image containing character regions is a halftone image, then so is the image analyzed by Kim.

Applicant argues that claims 8 and 14, as well as the dependent claims, are allowable for the reasons set forth for claim 1.

Examiner replies that claim 1 as presently recited has been shown to be taught by Kim. Thus, the remaining claims cannot be considered allowable merely due to their respective dependencies.

Applicant argues that the combination of Kim and Fujiwara (US-4,813,078) is not proper and does not teach the features of the discriminator recited in claim 3.

Examiner replies that the combination has been clearly set forth in the prior art rejection of claim 3. Fujiwara teaches the use of two separate thresholds for the two counters already taught by Kim. The two counters, each of which has a different threshold, are used to determine if the target pixel is in a character region. Thus, the discriminator taught by Kim is modified according to the teachings of Fujiwara to obtain the invention specified in claim 3. The combination has the added advantage of facilitating the recognition of detected characters.

Applicant argues that the peak pixel detection taught by Kim is not the same as the isolation point detection recited in claim 20.

Examiner replies that the exact language of the relevant portion of claim 20 recites "a first counter that counts the number of isolation points that exist in a first region including a target pixel from among isolation points detected by the halftone dot characteristic detecting section". During the course of patent examination, the claims are given their broadest reasonable interpretation consistent with the specification. See MPEP § 2111. The language of claim 20 is taught by Kim in column 4, lines 5-8 and lines 32-35. Therein, Kim describes detecting screen dots, which are discontinuous as further shown by the graphs in figures 11a and 11b of Kim. The screen dots are described in contrast to the edge pixels which are a connected series of pixels. Thus, by a reasonable definition of "isolation points", Kim does teach the recited isolation point detection by detecting the screen dots.

Conclusion: Examiner has demonstrated above that the final rejection of 29 December 2009 was proper. Therefore, the final rejection is maintained.